



Entered on Docket
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Lerin Hills Loan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Lerin Hills Loan ("Lerin Hills Loan") [DE 8869] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the
2 borrower or from the collateral securing the Lerin Hills Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8869] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 15% allowed and 85%
6 disallowed because those claims are based entirely upon an investment in the Lerin Hills
7 Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

Lerin Hills LTD Loan

Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Lerin Hills LTD Loan	Amount Disallowed (85%)	Amount Allowed (15%)
10725-00182	9/1/2006	Marvin & Valliera Myers Trust	3655 S Decatur #14-169 Las Vegas, NV 89103	35,627.08	30,283.02	5,344.06
10725-00179	9/1/2006	Maurice Fink Trust	Maurice Fink Ttee 3111 Bel Air Dr #15G Las Vegas, NV 89109	305,375.00	259,568.75	45,806.25
10725-00178	9/1/2006	Nix, John & Lisa M	836 Temple Rock Ct Boulder City, NV 89005	101,791.67	86,522.92	15,268.75
10725-00181	9/1/2006	Paul Bloch Living Trust Dtd 10/29/02	Paul Bloch Ttee 2111 Strada Mia Las Vegas, NV 89117	152,687.50	129,784.38	22,903.13
10725-00177	9/1/2006	Pengilly, James W	10 Boulder Crossing Circle Las Vegas, NV 89135-1682	50,895.83	43,261.46	7,634.37
10725-00188	9/5/2006	Petuck Capital Corp	80 Doubling Rd Greenwich, CT 06830	50,895.83	43,261.46	7,634.37
10725-01755	12/26/2006	Rocklin/Redding LLC	Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno, NV 89509	270,000.00	229,500.00	40,500.00
10725-00186	9/5/2006	Rulon D Robinson Profit Sharing Plan	9100 Eagle Hills Dr Las Vegas, NV 89134	50,895.83	43,261.46	7,634.37
10725-00183	9/1/2006	Sandler Living Trust Dtd 8/29/05	Robert B & Patricia D Sandler Ttee 8912 E Pinnacle Peak Rd Box 591 Scottsdale, AZ 85255	25,447.92	21,630.73	3,817.19
10725-00184	9/5/2006	Stacy Grant Revocable Trust Dtd 12/24/99	Trustee 934 E Grandview Phoenix, AZ 85022	101,791.67	86,522.92	15,268.75
10725-01394-2	6/19/2007	Terry A Coffing Esq Marquis & Aurbach	C/O David A Colvin Esq 10001 Park Run Dr Las Vegas, NV 89145	50,000.00	42,500.00	7,500.00

EXHIBIT A